

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Lafremia Powell, individually and on behalf
of all others similarly situated,

Plaintiffs,

-against-

Dollar Tree Stores, Inc.,

Defendant.

Case No. 1:20-cv-00734

**NOTICE OF MOTION TO DISMISS
COMPLAINT**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint, Defendant Dollar Tree Stores, Inc. moves, before the Honorable J. Paul Oetken, United States District Court Judge for the Southern District of New York, at the United States District Courthouse, 40 Foley Square, New York, NY 10007, Courtroom 706, for an order dismissing the Complaint of Plaintiff Lafremia Powell (Dkt. 1) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on the grounds that the Complaint fails to state a claim upon which relief can be granted.

Dated: June 19, 2020

Respectfully submitted,

/s/ August T. Horvath

August T. Horvath (AH 8776)

ahorvath@foleyhoag.com

FOLEY HOAG LLP

1301 Avenue of the Americas, 25th floor
New York, NY 10019

Tel: (646) 927-5500

Fax (646) 927-5599

*Attorneys for Defendant Dollar Tree Stores,
Inc..*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of June 2020, a true and correct copy of the foregoing document has been served on counsel of record who are deemed to have consented to electronic service via electronic mail.

/s/ August T. Horvath
August T. Horvath